

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ORIGINAL

In application of:

Rose Mary Farenden

Group Art Unit: 3623

Examiner: J. Stimpak

Serial No.: 09/800,986

Filed: March 7, 2001

For: **SYSTEM FOR RECRUITING CANDIDATES FOR EMPLOYMENT**

Attorney Docket No.: 81067013 / FMC 1338 PUS

**AMENDED APPEAL BRIEF
IN RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF (37 C.F.R. § 1.37)**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant submits this Amended Appeal Brief in response to the Notification of Non-Compliant Appeal (37 C.F.R. § 41.37) dated March 1, 2006. Applicant believes that the following incorporates the changes as requested in the Notification, a copy of which is enclosed. The Patent Office was previously instructed with its original submission to charge the fee of \$500 as applicable under the provisions of 37 C.F.R. § 41.20(b)(2), as well as any additional fees or credits, be applied to Deposit Account 06-1510 (Ford Global Technologies, Inc.).

APPEAL BRIEF

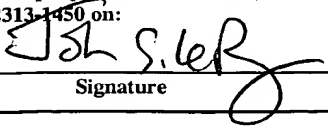
This is an Appeal Brief from the final rejection of claims 1, 3, 4, 6-8 and 11-13 of the Office Action mailed on October 13, 2005 for the above-identified patent application. The Applicant has filed a Notice of Appeal concurrently herewith.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

March 29, 2006
Date of Deposit

John S. LeRoy
Name of Person Signing


Signature

I. REAL PARTY IN INTEREST

The real party in interest is Ford Motor Company, a corporation organized and existing under the laws of the state of Delaware, and having a place of business at The American Road, Dearborn, Michigan 48121, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on March 7, 2001 at Reel 011624/Frame 0132.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

Claims 1, 3, 4, 6-8 and 11-13 are pending in this application. These claims have been rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

No amendment after final rejection was filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

One independent claim is involved in this appeal. Claim 1 is directed to an online client-server system for assessing and recruiting employees in real-time in the context of an employer-hosted recruiting event.

One interface is provided for receiving employment requisitions from an employer that includes candidate matching criteria. (Page 16, line 30 - Page 19, line 6.) Another interface is provided for presenting employment skills questionnaires to employee candidates for them to complete. (Page 21, lines 9-26.) The results of the skills questionnaires are compared to the employer's candidate matching criteria to initially assess each candidate's skill qualifications. (Page 27, lines 14-19.) Based on this assessment, the employer may allocate invitations to an employer-hosted recruiting event. (Page 27, line 20 - Page 28, line 4.)

At the recruiting event, a plurality of different interfaces are provided to fully evaluate the candidates in real time during the event. This aspect of the present invention

improves on the comprehensiveness and efficiency of the candidate evaluation process. One set of interfaces are provided for receiving candidate assessments from different sources/perspectives as the candidates are attending the employer-hosted recruiting event. Examples include “interview assessments,” “group assessments” and “mentor” assessments — all of which are submitted in real time during the recruiting event. (Page 36, lines 24-26; Page 37, line 4 - Page 38, line 12.) Another set of interfaces are provided for presenting these assessments during the recruiting event so that authorized personnel, such as a human resource specialist, can monitor the received assessments and make a hire or no-hire determination. (Page 38, line 18 - Page 39, line 5.) These interfaces include the results of the assessments received from the different sources during the recruiting event (e.g., interview assessments, group assessments, mentor assessments). (Page 38, line 18 - Page 39, line 5.)

Another interface is provided that enables the employer to select candidates for hire during the recruiting event. (Pages 39, line 6 - Page 40, line 10.) This selection causes an electronic communication to be sent to the candidate before the conclusion of the recruiting event. (Page 4, lines 28-31.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 3, 4, 6-8 and 11-13 (all pending claims) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,701,313 to Smith in view of U.S. Patent No. 6,289,340 to Puram.

VII. ARGUMENT

The prior art combination that the examiner proposed does not teach every element of the invention recited in claim 1. More specifically, the examiner asserts that ‘313 to Smith teaches, *inter alia*, the following elements of independent claim 1:

- [a computer configured to . . .] host an interface for receiving an assessment of each candidate attending the employer-hosted recruiting event;

- [a computer configured to . . .] host an interface for presenting each candidate's assessment in real-time during the employer-hosted recruiting event.

On page 3 of the final action, the examiner relied on the following teaching of Smith to find both of these claim elements:

Provided that the interview is not postponed and the interview goes ahead, during the interview an interview notes screen is displayed to the job provider at step 139 upon which notes can be made and links are provided to the job seeker's personal details saved as the relevant data object in the database.

(‘313 Patent, col. 16, lines 53-58.)

As explained above, the present invention is directed to a multi-faceted system for assessing employee candidates in real time during an employer-hosted recruiting event, and making hiring decisions based on those assessments. One set of interfaces is provided for receiving assessments, such as interview assessments, group exercise assessments, mentor assessments, etc. from a plurality of different sources during the recruiting event, as recited in dependent claims 6-8. Another interface is provided for presenting these assessments so that a representative of an employer, such as a human resources specialist, can make a hiring determination *based on the received assessments* in “real-time” during the recruiting event.

The separate interfaces for *receiving* and *presenting* candidate assessments is an important aspect of the claimed invention. This aspect enables different hiring specialists to participate together in real-time during a recruiting event. For example, interview specialists, candidate mentors, and group activity assessment specialists can simultaneously submit their respective assessments of candidates during the recruiting event. This enables a human resources specialist — potentially miles away from the recruiting event — to make an informed hiring decision in real-time during the recruiting event. This increases the comprehensiveness of the assessment process, the quality of the hiring decision, and the overall efficiency with which the recruiting process is carried out. Smith does not teach such a comprehensive recruiting system for assessing candidates in real time during an employer-hosted recruiting event.

‘313 to Smith only teaches an interface for receiving “interview notes” during an interview. At the threshold, there is no teaching that the “interview notes” constitute an “assessment” upon which a hiring decision is subsequently made. On the contrary, Smith teaches that the hiring decision is made in a conventional manner following the interview “providing the job seeker is suitable for the job.” (‘313, col. 16, lines 58-59.) But as described above, the claimed invention provides a more comprehensive solution that enables multiple specialists to participate in the assessment/hiring process in real time during a recruiting event — not just an interview.

Even assuming that the “interview notes” described in ‘313 to Smith constitute an “assessment” of the candidate, however, Smith does not teach a separate interface for *presenting* each candidate’s assessment in real-time during the employer-hosted recruiting event, as claim 1 recites.

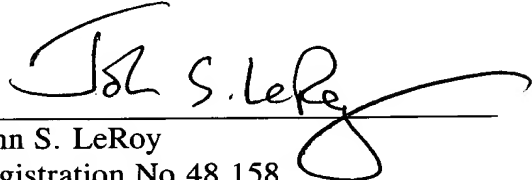
The examiner admitted that the proposed combination of Smith and Puram did not teach the limitations recited in dependent claims 7-8 and 11-13. (Final Action, pp. 5-7.) The examiner nonetheless rejected these claims asserting that the subject matter was “old and well known.” But prior art rejections require factual evidence that all elements of the claimed invention are present in the proposed combination. *See*, MPEP 2142 (Legal Concept Of *Prima Facie* Obviousness); MPEP 2143 (Basic Requirements Of A *Prima Facie* Case Of Obviousness); MPEP 2144 (“Sources Of Rationale Supporting A Rejection Under 35 U.S.C. 103). The standard of review applied to findings of fact is the “substantial evidence” standard. *See In re Gartside*, 203 F.3d 1305, 1315, 53 USPQ2d 1769, 1775 (Fed. Cir. 2000), *see also* MPEP § 1216.01. Here, however, the examiner has provided no factual evidence whatsoever to support his rejection of these claims. The examiner has failed to establish *prima facie* obviousness with regard to these dependent claims.

Further, the examiner fails to appreciate the claimed *context* in which these dependent claim elements arise, namely a comprehensive end-to-end recruiting system that consolidates different facets of the recruiting process in an online, real-time fashion to streamline and improve the quality and efficiency of the recruiting process that occurs during a consolidated recruiting event.

For the above reasons, the applicant respectfully requests that the examiner's final rejection of the pending claims be vacated.

Respectfully submitted,

ROSE MARY FARENDEN

By: 
John S. LeRoy
Registration No. 48,158
Attorney for Applicant

Date: March 29, 2006

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Enclosures - Appendices

Copy of Notification of March 1, 2006

VIII. CLAIMS APPENDIX

1. An internet-based system for recruiting candidates for employment having at least one server computer operably connected to at least one database and serving a plurality of client computers, the at least one server computer being configured to:

receive input defining a plurality of employment requisitions wherein each employment requisition has associated candidate matching criteria;

host an interactive interface for presenting a plurality of candidates with an employment skills questionnaire;

assess each candidate based on a comparison between each candidate's employment skills and the candidate matching criteria;

host an interactive interface for allocating the employer-hosted recruiting event invitations to candidates wherein the invitations are allocated based on the assessment;

host an interface for receiving an assessment of each candidate attending the employer-hosted recruiting event;

host an interface for presenting each candidate's assessment in real-time during the employer-hosted recruiting event;

host an interface for presenting a candidate assessment indicating how well the candidate's employment skills match the candidate matching criteria, as compared to other candidates; and

host an interface for selecting candidates for hire based on the assessment wherein the system automatically sends selected candidates an offer letter in an electronic format prior to the conclusion of the employer-hosted recruiting event.

3. The system of claim 2 wherein each candidate profile additionally comprises an assessment of the candidate's leadership behaviors based on the skills questionnaire.

4. The system of claim 1 additionally configured to host an interface for defining and scheduling the employer-hosted recruiting events.

6. The system of claim 1 wherein the assessment comprises an assessment of a candidate's interview performance.

7. The system of claim 1 wherein the assessment comprises an assessment of a candidate's performance during a group observation exercise.

8. The system of claim 1 wherein the assessment comprises a placement recommendation for the candidate wherein the recommendation is based on the candidate's discussions with a mentor.

11. The system of claim 1 additionally configured to host an interface for defining a plurality of university-specific recruiting web pages wherein each page comprises information for candidates regarding recruiters and on-campus recruiting activities at their university.

12. The system of claim 1 additionally configured to host an interface for defining hiring objectives wherein the hiring objectives comprise a target number of hires and diversity initiatives.

13. The system of claim 12 wherein the interface for defining hiring objectives presents a recruiting status report indicating the degree to which the hiring objectives have been met.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None

Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)

Application No.

09/800,986

Applicant(s)

FARENDEN, ROSE MARY

Examiner

Johnna R. Loftis

Art Unit

3623

MAR 8 1 2006

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 27 December 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Reference to the specification does not include line numbers.

Susanna M. Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER

AU 3623



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ZFW

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TRANSMITTAL LETTER

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Sir:

Enclosed with reference to the above matter are the following documents:

1. Amended Appeal Brief In Response To Notification of Non-Compliant
Appeal Brief (37 C.F.R. § 41.37).

The required fee has already been paid.

Respectfully submitted,

Rose Mary Farenden

By: 

John S. LeRoy

Reg. No. 48,158

Attorney for Applicant

Date: March 29, 2006

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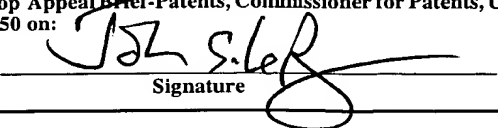
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John S. LeRoy
Name of Person Signing


Signature